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Attorney for Plaintiff
SUSAN RUSH

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SUSAN RUSH, an individual,

Plaintiff,

vs.

SANTA MONICA POLICE OFFICER
ROBERT FUJITA #3338; SANTA
MONICA POLICE OFFICER L. LOPEZ
#3805; CITY OF SANTA MONICA;
AND DOES 1 THROUGH 50,
INCLUSIVE,

Defendants.

Case No.: 2:15-CV-01304-DSF-MAN

DECLARATION OF GABRIEL H.
AVINA IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT OR
ALTERNATIVELY SUMMARY
ADJUDICATION

DATE: November 16, 2015
TIME: 1:30 p.m.
PLACE: Courtroom 840

[Filed concurrently with Plaintiff's
Opposition to Motion for Summary
Judgment or Alternatively Summary
Adjudication, Plaintiff's Statement of
Genuine Disputes of Material Fact,
Index to Exhibits]

PTC: January 25, 2016
Trial Date: February 23, 2016

DECLARATION OF GABRIEL H. AVINA IN SUPPORT OF PLAINTIFF'S OPPOSITION TO DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT OR ALTERNATIVELY SUMMARY ADJUDICATION

1 To: The Clerk of the Above-Entitled Court and to the defendants and their
2 Attorneys of Record:

3
4 I, Gabriel H. Avina, declare as follows:

5 1. I am an attorney, duly licensed to practice law before all of the courts
6 in the State of California, and I am the principal attorney at the Law Offices of
7 Gabriel H. Avina, attorneys of record for Plaintiff in this action.
8

9 2. This declaration is made in connection with Plaintiff's Opposition to
10 Defendants' Motion for Summary Judgment Alternatively for Partial Summary
11 Judgment, in the civil action entitled Susan Rush v. Santa Monica Police Officer
12 Robert Fujita, et al., bearing the case number 2:15-CV01304-DSF-MAN.
13

14 3. I state the following facts from my personal knowledge, except those
15 facts stated on information and belief which I believe to be true, and if called as a
16 witness I could and would competently testify thereto under oath.

17 4. Attached to the Index of Supporting Evidence as Exhibit "F" is the
18 Declaration of Susan Rush.
19

20 5. Attached to the Index of Supporting Evidence as Exhibit "G" is a true
21 and correct copy of the relevant portions of the transcript of the deposition of
22 Defendant Susan Rush, which was taken on September 2, 2015 in connection with
23 this matter.
24

25 6. Attached to the Index of Supporting Evidence as Exhibit "H" is a true
26 and correct copy of the relevant portions of the transcript of the deposition of
27 Defendant Officer Lizette Lopez, which was taken on August 19, 2015 in
28 connection with this matter.

1 7. Attached to the Index of Supporting Evidence as Exhibit “T” is a true
2 and correct copy of the incident report, dated March 29, 2014, and written by
3 Defendant Officer Lizette Lopez which was provided by Defense counsel in
4 connection with this matter.

5
6 8. Attached to the Index of Supporting Evidence as Exhibit “J” is a true
7 and correct copy of Defendant Officer Fujita handcuffing Ms. Rush, which was
8 taken on March 29, 2014 in connection with this matter.

9
10 9. Attached to the Index of Supporting Evidence as Exhibit “K” is a true
11 and correct copy of the In-car video and audio recording of Defendant Fujita

12
13
14 Dated: October 26, 2015.

Respectfully submitted,

/s/

Gabriel H. Avina
Attorney for Plaintiff